

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Luis Beltran Cardona

v.

Case No. 1:23-cv-59-PB-AJ

FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Endorsed Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated December 28, 2023. To the extent the petitioner, in either Document No. 8 or Document No. 9, seeks relief other than the denial of the respondent's summary judgment motion, I deny such relief, without prejudice to the petitioner's ability to seek asylum by filing an application with an Immigration Judge, the Board of Immigration Appeals, or other appropriate forum.

“‘[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.’”  
School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

/s/Paul Barbadoro  
Paul J. Barbadoro  
United States District Judge

Date: January 22, 2024

cc: Counsel of Record  
Luis Beltran Cardona, pro se